

## What is Early Resolution Assistance?

Early Resolution Assistance (**ERA**) is a quick, low-cost service that will be administered through a more streamlined application process compared to applications for grants of aid.

From **10 January 2022** all early intervention mediations in Commonwealth family law matters will be administered as ERA, not a grant of aid.

This information sheet contains important information for panel practitioners on ERA including:

- new, simplified eligibility policies including ERA Means and Merit tests
- the ERA application process
- contributions
- obligations on panel practitioners
- fee scales

Policy details are published at [Policy Online: Early Resolution Assistance](#).

## Key differences

- ERA is **not** a grant of aid. A refusal cannot be appealed to LARC
- No paper application forms
- Lawyers must certify applications meet eligibility criteria including simplified ERA Means and Merit Tests
- Applications for ERA are submitted using the **ERA template** on Grants Online
- There is no discretion to approve ERA to an applicant who does not satisfy the policies

## What matters is ERA early intervention mediation available for?

Parenting matters	Property matters	Spousal maintenance	Adult child maintenance
Mediation for parenting disputes. Third party applicants must be significant to the care of the child.	Mediation where property in dispute = <b>net assets &lt;\$600k</b> (excluding super) and the applicant experiences: <ul style="list-style-type: none"><li>• DFV</li><li>• Disability, or</li><li>• 55+ yrs old.</li></ul>	Mediation for disputes over spousal maintenance where: <ul style="list-style-type: none"><li>• the other party's whereabouts is known, <b>and</b></li><li>• the other party has the capacity to pay.</li></ul>	Mediation for disputes over adult child maintenance where: <ul style="list-style-type: none"><li>• adult child needs financial assistance due to disability, <b>and</b></li><li>• the other party has the capacity to pay.</li></ul>

## ERA Merit Test

The ERA Merit Test is satisfied where the applicant is committed to resolving the dispute through mediation.

## ERA Means Test: Centrelink recipients

An applicant automatically satisfies the ERA Means Test if they receive a Centrelink income support payment (including part payments). See [ERA Means Test](#) for list of applicable Centrelink payment types.

The ERA Means Test for Centrelink recipients **does not** consider any financially associated persons.

### Verification of Centrelink

You must verify your client receives a Centrelink income support payment using one of the following:

- Authorisation to verify their details with Centrelink (see below)
- Pensioner Concession Card
- Centrelink Income Statement

A client can provide you with verbal consent to verify their financial information with Centrelink. You must advise your client they can withdraw their consent at any time.

To comply with Centrelink's auditing requirements, you need to complete the following steps:

1. Confirm your client's identity (full name, date of birth, address)
2. Read the [Centrelink Consent script](#) to your client
3. Record the details of the consent in the file note (p2) and save with script to client's file.

## ERA Means Test: all other applicants

Applicants that do not receive a Centrelink income support payment must satisfy the income and asset test. The income test considers the household's *gross weekly income* before tax including Family Tax Benefit and Rent Assistance.

See [ERA Means Test](#) for complete details.

### Verification of financial information

You must verify the applicant's financial information and retain this information on the client's file. You do not need to upload financial verification documents to Grants Online.

Household type	Income Test	Asset Test	Verification of income and assets
Single person	\$1,057	Less than <b>\$10,000</b> cash assets	Applicant + any financially associated persons must provide: <ul style="list-style-type: none"><li>• A <b>payslip</b> or letter from their employer confirming their income (incl. any overtime), <b>and</b></li><li>• <b>Bank statements</b> for all accounts in their name, for the past three months.</li></ul>
Couple	\$1,240		
Single person + child	\$1,692		
Couple + child	\$1,809		

## How does the ERA Means Test differ?

In most circumstances, the ERA Means Test is more generous than the standard Means Test applied to grants of aid. The key differences are:

- Applicants receiving a Centrelink payment, even a part-payment, automatically satisfy the ERA Means Test
- All other applicants must simply earn less than the gross weekly household income limits without the need to consider various “allowable deductions”
- Income includes Family Tax Benefit and Rent Assistance (excluded under the standard Means Test)

## Will my client have to pay a contribution?

Property settlement matters	All other matters
If your client receives a cash payment of \$30,000 or more, they will be required to pay a contribution.	No contribution payable.

You must submit a File Outcome on Grants Online and notify us if your client is required to pay a contribution.

## How do I apply on behalf of a client?

You can apply for ERA for early intervention mediation using the [ERA template](#) on Grants Online.

It is important you enter your client’s information correctly into the Grants Online application template. Any errors might cause the application to be refused and there is no right of appeal.

## Client declaration

Before you submit an ERA application, your client must be made aware of Legal Aid NSW Privacy Statement and declare that the information provided in the application is true and correct.

The declaration, which includes the Legal Aid NSW Privacy Statement, can be made verbally by following the client declaration script and recording the details in the [Centrelink consent and declaration](#) file note (p2).

**Note:** The completed client declaration script and file note must be saved to the client’s file.

## Fee scale

See Policy Online for details of the [ERA Fee Scale](#) for early intervention mediation. Panel practitioners can claim:

- up to two hours preparation (lump sum)
- up to four hours attendance at mediation (lump sum)
- preparation of any consent orders, and
- disbursements.

## What are my obligations?

When you apply for ERA for early intervention mediation, you are responsible for:

- understanding the relevant eligibility policies,
- certifying your client satisfies the eligibility policies, and
- retaining copies of any documents used to determine eligibility including financial verification.

**Note:** A false certification or failure to ensure your client satisfies the eligibility policies may be a breach of the Service Agreement and could result in removal from Legal Aid NSW panels.

## What happens if the matter does not resolve at mediation?

If the matter does not resolve at mediation, you can:

- submit a new application for ERA if a subsequent conference is planned, **or**
- submit a new application for a grant of aid for court proceedings.

The eligibility policies for grants of legal aid have not changed. Even if your client was eligible for ERA they may not be eligible for a grant of aid for court proceedings: see [Policy Online: Family Law matters](#) for details.

## More information

**Commencement date:** 10 January 2022

Details of the policies and additional resources are published on [Policy Online: Early Resolution Assistance](#).

**Contact:** Client Eligibility Unit at [T-CEU@legalaid.nsw.gov.au](mailto:T-CEU@legalaid.nsw.gov.au)